

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

I feel that the broadcast flag will inevitably interfere with my rights under the fair use doctrine. I base this conclusion on history. In 1984, the Supreme Court ruled, after years of industry lawsuits, that owning a VCR was legal and that taping TV shows at home for noncommercial purposes was a legal activity.

Now we are to be told that because technology has changed that the fair use doctrine must go? I think not.

Piracy is wrong as well as illegal. There are already statutes under which anyone who made copies of DTV broadcasts and sold them for profit can be prosecuted. There is absolutely no need for an FCC rulemaking in this area.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices?

I expect that the digital flag would indeed with the ability of a consumer to send DTV or other digital content across their home network. The nature of such a network and the equipment that would be attached to it will lead to numerous instances where older, non-digital-flag-compliant devices will be attached. Under my understanding of the rules the recording industry seeks, sending content across such a network would be illegal, even if I am not conducting an infringing activity. I view this as an unacceptable subverting of the fair use doctrine, along with my legal right to enjoy my property as I see fit.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

Based on my understanding of the rules the recording industry seeks, it would not make it difficult, it would make it all but impossible to interconnect compliant and non-compliant devices on the same network.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

While the proponents of the broadcast flag say that limiting development of new equipment is not their intent, it will be the outcome. I refer you to the DivX DVD saga. A combination of content providers and a major electronics retailer developed a scheme to limit the number of times a consumer could view a DVD that they purchased, and formed a corporation to license and market it. Consumers stayed away in droves, and the corporation failed.

I feel that when consumers discover, as they inevitably will, that their new and expensive equipment they are being offered is "crippled", they will not buy it. This will have the effect of retarding the development of digital entertainment.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

I would expect it to be in the single-digit percent.

Other Comments:

Please turn a deaf ear to this rulemaking request from the entertainment industry. For nearly their entire history, they have sought out methods and technologies that will allow them to extract more and more money from the audience, while limiting that audience's rights and methods of redress.

This is another in a long list of attempts, and the Commission should send them packing, as have other rulemaking bodies and courts.